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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,408	02/05/2002	Masaki Yamauchi	31869-178067	4151

Venable
P.O. Box 34385
Washington, DC 20043-9998

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11/29/2005

EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2668

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,408

Applicant(s)

YAMAUCHI ET AL.

Examiner

Prenell P. Jones

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 0502.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-14,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-6,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 12 and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 12, Applicant is claiming in line 3, "the **source node addresses** the identical information to the virtual address", which is not clear to Examiner as to exactly what Applicant is claiming.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2668

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 7-11, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharony et al in view of Yamamoto et al.

Regarding claims 1, 10, 11 and 14, Sharony discloses communicating in a wavelength-division network/star-based networks, whereby multiplexing is utilized in switching networks, wherein one dimensional switching network communicates to a number of dimensional networks (source to multiple destinations), utilization of a limited number of channels/predetermined communication paths (page 602, left column). Sharony is silent on transmission of identical information. However, in a communication system that utilizes wavelength multiplexing and communicating data over a plurality of channels, Yamamoto discloses transmitting in a optical switching/relay environment, wherein identical information is sent from a transmitting device/source to receiving devices/plurality destinations (Abstract, col. 21, line 34-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement transmission of identical information to destinations as taught by Yamamoto with the teachings of Sharony for the purposes of allowing the transmission of more information by reducing the transmission path.

Regarding claim 7, 8, 17 and 18 as indicated above, Yamamoto discloses transmission in an optical switching environment wherein multiple channels are utilized. Yamamoto further discloses utilizing communicating data between nodes (source/destinations) via wavelength multiplexing (col. 16, line 22-30).

Regarding claim 9, as indicated above, Yamamoto discloses transmission in an optical switching environment wherein multiple channels are utilized. Yamamoto further discloses utilizing a copy unit (Fig. 17, col. 20, line 1-67, col. 24, line 25-60).

Allowable Subject Matter

4. Claims 2-6, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Although the combined prior art discloses communicating identical data from a source to multiple destinations nodes in a optical star topology, wherein the source and destination nodes are relay/switch devices, and virtual paths are utilized, utilization of a time-to-live attribute, they fail to teach or suggest with respect to claim 2, a virtual address notification unit for notifying the source node of a virtual address corresponding to a plurality of destination nodes, with respect to claims 5 and 16, a time-to-live parameter setting unit for setting a minimum value to the time-to-live parameter, with respect to claims 6 and 15, a multicast processing unit for receiving the identical information if the accompanying address information matches the predetermined address, and discarding the identical information if the accompanying address information fails to match the predetermined address.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

Art Unit: 2668

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

November 16, 2005



CHIEH M. FAN
SUPERVISORY PATENT EXAMINER